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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,615	12/01/2000	Marie Angelopoulos	YOR919960050US3	4765

7590

08/13/2003

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EXAMINER

KOPEC, MARK T

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/727,615

Applicant(s)

ANGELOPOULOS ET AL.

Examin r

Mark Kopec

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-- The MAILING DATE f this communication appears on the c ver sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disp sition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

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This action is responsive to applicant's amendment filed 5/27/03. Claims 1-24 are currently pending with claim 21 withdrawn from consideration.

Applicant's amendment to page 1 of the specification is noted. Applicant should amend the new data to delete "and a Continuation of US Application 09/727,615 filed 12-01-2000" as such is the instant application. Additionally, the new CIP status is noted. A new CIP oath/declaration is required.

Applicant should provide an amendment updating the information (copending applications) appearing at **page 20** of the specification.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 is incorrectly specified as "A process". The claim should be amended to --A structure--.

Claims 1-20, 22-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of United States patent 5,932,143.

Claims 1-20, 22-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of United States patent 5,928,566.

Claims 1-20, 22-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of United States patent 6,210,606.

Claims 1-20, 22-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52 of copending Application No. 09/208,528.

These rejections are maintained for the reasons set forth at pages 7-9 of Paper #5 (Rejection mailed 2/28/03).

Applicant's remarks regarding the submission of terminal disclaimers are noted. Applicant should submit such in response to this action.

Claims 1-20, 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 92/22911 in view of either the Handbook of Common Polymers, Roff, W. J., et al. editors, 1971, Butterworth & Co., pp. 515-517 (hereinafter "the Handbook") or Kirk-Othmer, Encyclopedia of Chemical Technology, 3rd ed., 1982, John Wiley & Sons, pp. 111-115.

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Claims 1-20, 22-24 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over MacDiarmid et al (5,484,884).

Claims 1, 3, 5-7, 9, 12-17 and 19-20 and 22-23 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Epstein et al (4,913,867).

Claims 1-20 and 22-24 are rejected under 35 U.S.C. 102(e) as anticipated by Angelopoulos et al (5,804,100).

These rejections are maintained for the reasons set forth at pages 10-16 of Paper #5 (Rejection mailed 2/28/03).

Applicant's remarks regarding these rejections are noted. Specifically, applicant argues that the newly added limitation "said polycrystalline material is characterized by a degree of crystallinity and a degree of amorphous regions...selected by selecting the composition of said additive and the amount of said additive" is not suggested by the prior art.

The examiner respectfully submits that the above prior art inherently meets the newly claimed "product by process" type limitations regarding selecting the composition and amount of additive. The function of plasticizers and other additives is to tailor properties in order to achieve some specific desired

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result. Accordingly, the addition of such meets the claimed limitations.

With respect to Angelopoulos et al (5,804,100), the examiner respectfully maintains that this reference is available under 102(e). The newly referenced CIP parent applications do not support the instant claims in their entirety. In order to provide support for the claimed invention, an application must disclose/describe each and every claim limitation present.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark

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Kopec whose telephone number is 703 308-1088. The examiner can normally be reached on Monday - Thursday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on 703 308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9310 for regular communications and 703 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

  
Mark Kopec  
Primary Examiner  
Art Unit 1751

MK  
August 11, 2003